



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/166719

PRELIMINARY RECITALS

Pursuant to a petition filed June 17, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Outagamie County Department of Human Services in regard to Child Care, a hearing was held on July 16, 2015, at Appleton, Wisconsin.

The issue for determination is whether the agency correctly denied the petitioner's June 3, 2015 application for child care assistance because she was over the program income limit.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: Laura Parsley

Outagamie County Department of Human Services
401 S. Elm Street
Appleton, WI 54911-5985

ADMINISTRATIVE LAW JUDGE:

Corinne Balter

Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Outagamie County.
2. On June 3, 2015 the petitioner applied for child care assistance.
3. The petitioner was working at [REDACTED]. Her monthly gross income was \$3,307.69. She is a household size of three.

4. On June 17, 2015 the agency sent the petitioner a notice stating that she was denied child care effective June 1, 2015 because she was over the program income limit.
5. On June 17, 2015 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.

DISCUSSION

Wis. Stat., §49.155 authorizes the department to operate a child care subsidy for Wisconsin Works (W-2) recipients and working parents. The department has a Child Care Manual that provides the specific policies for the program.

The income limit for a two-person household first applying for child care is \$3,097.21, which is based on 185% of the poverty line. Child Care Manual, §1.6.2. The agency uses gross income to make the determination. Id., §1.6.4.

Petitioner's monthly gross income was budgeted at \$3,307.69. This was based on the petitioner's most recent pay stubs. This amount makes her ineligible for child care assistance in June 2015. The petitioner testified that she is no longer working, but looking for a new job. It is important to note that the petitioner may always reapply for child care assistance. If her monthly gross income is less than \$3,097.21, then she will most likely qualify for this program.

CONCLUSIONS OF LAW

The agency correctly denied the petitioner's June 3, 2015 application for child care assistance because she was over the program income limit.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

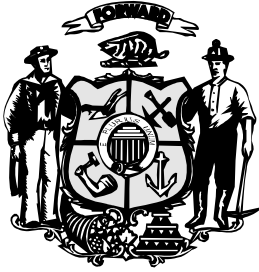
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 24th day of July, 2015

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on July 24, 2015.

Outagamie County Department of Human Services
Child Care Benefits